IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 33218 of 2007(D)

PETITIONER:

K.NARENDRAN, S/O.KUNJIRAMAN,
AGED 46 YEARS, HSA (NATURAL SCIENCE),
PAVANDUR HIGHER SECONDARY SCHOOL,
PAVANDUR, KAKKUR, KOZHIKODE DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:

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1. DISTRICT EDUCATIONAL OFFICER,
THAMARASSERY, KOZHIKODE.

2. MANAGER, PAVANDOOR HIGHER SECONDARY
SCHOOL, PAVANDOOR PO, KAKKUR,
KOZHIKODE DISTRICT, PIN-673 613.

BY SENIOR GOVT. PLEADER, SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE ORDER DTD. 11.9.07 IN CRL.M.C. NO.903 & 912/07 OF THE LEARNED SESSION'S COURT, KOZHIKODE.

EXT. P2: COPY OF THE ORDER DTD. 14.9.07 IN BAIL APPL. NO.5623/07 OF THIS HON'BLE COURT.

EXT. P3: COPY OF THE ORDER NO.31/05/07-08 DTD. 24.9.2007 ISSUED BY THE 2ND RESPONDENT.

EXT. P4: COPY OF THE EXPLANATION DTD. 26.9.2007 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT. P5: COPY OF THE REPRESENTATION DTD. 15.10.2007 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

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S.SIRI JAGAN, J.

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W.P.(C) No. 33218 of 2007(D)

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Dated this the 10th day of December, 2007

JUDGMENT

A criminal case was charged against the petitioner on allegations of misappropriation of one motor pump set worth Rs.3,000/- and a syntex tank worth Rs.2,000/- belonging to a third person. On registration of that criminal case, the 2nd respondent placed the petitioner under suspension by Ext. P3 order. According to the petitioner, the 1st respondent has not granted permission to the 2nd respondent to continue suspension of the petitioner beyond 15 days. In spite of the same, the petitioner is not being reinstated which is the complaint of the petitioner in this writ petition, although the petitioner filed Ext.P4 before the 2nd respondent and Ext.P5 before the 1st respondent. According to the petitioner, in the meanwhile, the dispute between the complainant in the criminal case and the petitioner has already been settled and the complainant is taking steps for withdrawing the criminal case.

2. I have heard the learned Government Pleader. Although notice was served on the 2nd respondent by special messenger, nobody appears for the 2nd respondent before me.

3. In the facts and circumstances of the case, there would be a direction to the 1st respondent consider and pass appropriate orders on Ext.P5 as expeditiously as possible at any rate within one month from the date of receipt of a copy of this judgment after affording an opportunity of being heard to the petitioner as well as the 2nd respondent.

The writ petition is disposed of as above.

S.SIRI JAGAN,
JUDGE

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